

U.S. Department of State
Instructions/Guidelines for
REQUEST FOR AN ADVISORY OPINION (22 CFR §126.9)
Form DS-6001

The Form DS-6001 is used when a person, registered with the Directorate of Defense Trade Controls (DDTC), desires an opinion on whether DDTC would likely grant a license or other approval for an export transaction involving defense articles (hardware, technical data or service). The DS-6001 can also be used to satisfy the prior approval requirements of 22 CFR 126.8. The determination made in response to a request is not binding on the Department of State and is revocable.

Prior to submitting your request you should determine that:

- Your DDTC registration is valid. If your registration has expired, your request will not be processed;
- All optional supporting documentation is available for submission with your request; and
- The eligibility requirement of 22 CFR §§120.1(c) and 126.13 can be satisfied. If they cannot be satisfied, you are not eligible to make this request without a transaction exception.

General Instructions:

1. All blocks with an asterisk must be completed. The remaining blocks while not mandatory provide information that will assist in reviewing your request. In addition, failure to provide information that is essential to the review may be a regulatory violation.
2. You will be asked to identify the document that you submit with your request (e.g., the 22 CFR §126.13 statement). Optional documentation includes:
 - a) Other amplifying documentation (e.g. Letter of Intent, Purchase Order, Basic Ordering Agreement, Contract, and Technical Data)
 - b) Transaction Exception request (Documentation should include why the need for the transaction exception request and should include all the specific parties.)

Specific Instructions/Guidelines:

***Block 1.** Date Prepared. The date the application is prepared is automatically entered (month/day/year). It is updated each time the application is opened until submission to DDTC, at which time the application must be digitally signed.

Block 2. DDTC Applicant/Registrant Code. Enter your DDTC applicant/registrant code number, including the pre-fix letter “M” if applicant is a manufacturer and/or exporter. The last four/five digits of this number are unique to your company. Ensure that your registration is valid and that the number used is the same as the number on the approved license.

***Block 3.** Applicant Name, Address, ZIP Code and Telephone number. When submitting by paper, the first line must reflect name under which company is registered. Subsequent lines may identify a specific subsidiary of the applicant company. When submitting electronically, if a subsidiary is involved select subsidiary box and provide information. Use the address at which the applicant is located; do not use Post Office Box numbers.

Block 4. Name(s), agency and telephone numbers(s) of U.S. Government personnel familiar with the request. The individual identified in this block must be an employee of the U.S. Government from whom DDTC can seek information related to the request. When relating to a discussion, provide in Block 9 information regarding the specifics of the discussion.

Block 5. Name and telephone number of applicant contact(s). List individual(s) familiar with this transaction who can respond to DDTC staff or other government agencies. The individual(s) should be prepared to answer procedure and/or technical questions. You may list more than one individual. Please do not list an individual who is not familiar with the transaction and thus unable to respond. Do not list U.S. Government personnel. If the contact is a foreign person, so indicate to ensure compliance with releases of ITAR-controlled information.

***Block 6.** Country(s) of Ultimate Destination. When submitting electronically, select the country(s) of ultimate destination from the country list. You may choose as many countries as applicable to the transaction. For paper submissions, spell out the country name (e.g., United Kingdom). Do not use abbreviations or acronyms (e.g., UK).

***Block 7.** Name, address and role of foreign intermediate(s). Select none, or identify as company or individual after "This foreign intermediate is a." If a company or individual, provide the name and address. Do not use Post Office Box numbers. Provide a concise description of the role that the foreign person will have in the transaction (e.g., freight forwarder for transit of material; receipt of material by the intermediate for integration into the AN/PPX Fly-by-wire System produced by RB Inc.; the system after integration will be forwarded to the foreign end user. Additional useful details may be that the hardware being exported was originally produced for use in the HU Helicopter that is currently in the inventory of the U.S. Army and the subject of a MLA between Ace Inc and RB Inc.). If the foreign intermediate identified in Block 7 is an individual, state the individual's country(s) of nationality. Additionally, state the country of nationality as a country of ultimate destination in Block 6.

***Block 8.** Name and Address of Foreign end-user(s). Do not use Post Office Box numbers. Details of the end use of the defense article(s) must be provided in Block 17.

***Block 9.** Defense Article Type. For each line item, identify the type of defense article involved in the proposed transaction. Select all that apply (i.e., Hardware, Technical Data, Defense Services).

***Block 10.** Quantity. State the number/amount of each end item, major component and system identified in Block 11. Do not use terms such as "lots" unless deemed appropriate and fully explained in the commodity Block 11. "Lots" is generally only acceptable when used as a

quantity for minor components or parts. However, an itemized list of the minor components or parts may be required as supporting documentation attached to your request. Unit Type selections include the following: bags, barrels or drums, boxes, bullet or rounds, bundles, cases, containers, copies, dozen, dozen pairs, feet, forgings, gallon, grams, gross, gross containers, gross lines, inches, items, kilos, kits, line, liters, lots, magaz, man years, meters, number, ounces, packs, packets, pairs, pallets, pieces, pounds, quarts, rolls, sets, sheets, shipset, square meters, squares, systems, tins, tons, tubes, units, visits, wafers, and yards.

***Block 11. Commodity.** The commodity must be described in detail to include the model/part number and descriptions. List each defense article with as much detail as available. Include, to the extent possible, the product name, manufacturer, part/model number, military nomenclature, federal stock number, specific details of any modification and any other information that would assist in clarification/identification of the defense article(s). Systems, end items, and major components/parts must always be itemized. (See 22 CFR §121.8 for definitions).

***Block 12. USML Category Number.** Using 22 CFR 121, determine the U.S. Munitions List (USML) Category and subcategory. When submitting electronically, select the category, subcategory. When submitting electronically, you may also provide the commodity code. While not required, requesters can benefit from providing the code since it will assist the U.S. Government in processing the case.

***Block 13. Transaction Type.** For each line item, identify the type of transaction envisioned. The proposed types of transactions are permanent export, temporary export, temporary import, or in-transit. **For purposes of Advisory Opinion submissions, the term temporary import means that the defense article is entering the United States and will be returning to the country from which it came. In-transit means that the item will enter the United States for export to another foreign destination.** For temporary import or in-transit transactions, you must provide the foreign country from which the defense article will be shipped. For defense articles that are in-transit, Block 6 will serve as the country to which the articles will be sent.

Block 14. Value.

Unit Price. Enter the unit price (in U.S. dollars) of the commodity listed in Block 10. For example, if an AN/ARC system identified in Block 10 is \$4,000, enter a unit price of \$4,000.

***Line Item Total:** When submitting electronically, you do not need to enter a line item total. The software is designed to determine the total value by computing the quantity and unit price.

***Block 15. Total Value.** This value is the value of all line item totals. The applicant is not required to compute this value. The software is designed to determine the total value by adding all the line item totals.

***Block 16.** Identify highest government security classification of the commodity that is the subject of this request. **NOTE: Do not include any CLASSIFIED information in this request or attach electronically transmit CLASSIFIED information as supporting documentation.** Classified information must be transmitted to DDTC separately in accordance with U.S. Government regulations governing the transportation of classified information.

Block 16 (a). Provide the highest level of U.S. Government security classification.

Block 16 (b). If a commodity is produced in a foreign country, is it government classified? Yes/no. If yes, provide details in Block 18.

***Block 17.** Specific Purpose/End Use of Defense Article(s). When the request is being submitted to satisfy the requirements of 22 CFR §126.8, check the box “Prior Approval (22 CFR 126.8)” and provide some brief explanation of the anticipated export. For all requests, provide sufficient specific details of the proposed transaction, to include the specific end use/purpose for which the end user will use the defense articles. The information provided in this block is critical in determining the outcome of your request, in both processing time and the U.S. Government determination. (For example, is the intent of the transaction to provide hardware only, engage in a cooperative design/production effort, provide kits for assembly abroad, or establish a repair facility?)

Block 18. Additional Details of Transaction. Provide any additional information that you believe will assist in better describing the proposed transaction, to include an explanation of attached documentation, licensing history of the product, parties to the transaction, identification and information of Government-to-Government Memorandums and U.S./foreign government programs.

***Block 19.** Applicant Statement. For electronic submissions, type the name of the individual who will digitally sign the request and check the boxes that apply.

Note. The individual whose name is in this field must be an “ITAR” empowered official (see 22 CFR §120.25; “ITAR” is the International Traffic in Arms Regulations, 22 CFR 120-130). Signing of an application by other than an empowered official or “for” another company or person is a violation of the ITAR.

Per the ITAR, the individual signing the request must meet all the criteria stated in 22 CFR §120.25. The criteria include that the individual:

- Is a U.S. citizen, or is lawfully admitted to the U.S. for permanent residence, or an official of a foreign government acting in their official capacity; and
- Has responsibility for ensuring compliance with all the facts stated in the request; and
- Is responsible for seeking all the required certifications of the form, as well as abiding by all other provisions of the ITAR; and
- Can certify the conditions of 22 CFR §126.13 have been met and that the applicant and other parties to the request are eligible.

Note. The requester must complete the 22 CFR §126.13 certification for any advisory opinion request that is being submitted to satisfy the requirements of 22 CFR §126.8. In all other instances, the requester is not required to complete the certification since the determination that will be made by DDTC in response to the request is not an authorization, but an approval in principle.

Block 20. Response to be sent to. FOR PAPER SUBMISSIONS ONLY. Provide the complete name, address, and phone number.